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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,889	12/21/2000	Ming-Chih Chang	CEIP0017USA	6259
27765	7590	12/30/2004	EXAMINER	
(NAIPC) NORTH AMERICA INTERNATIONAL PATENT OFFICE			NGUYEN, TAN D	
P.O. BOX 506			ART UNIT	PAPER NUMBER
MERRIFIELD, VA 22116			3629	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/740,889

Applicant(s)

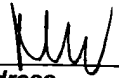
CHANG ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2004 has been entered.

### ***Response to Amendmend***

The amendment filed 10/18/2004 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-3, 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because the preamble calls for "A method for aiding quality control task management" but there are no steps or processes cited for aiding (or helping or enhancing or assisting) the task management and/or dealt with quality control issue. The amended language or new step in the claim of "performing the testing steps associated with the 2<sup>nd</sup> top level for aiding in the quality control task management" is noted; however, this does not clarify the question above of "how does it aiding the quality control task management". How does one manage quality control task in the past? How does this invention "aiding" or "facilitating or enhancing" the

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quality control task? From Fig. 1, it appears that the kernel of the invention deals with aiding any kind of testing plan and the specific intended use of the plan is not critical.

3. Claim 1 recites the limitation "the hierarchical structure of the selection list" in the last line. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 15 is vague and indefinite because the preamble calls for "A computer system for generating and utilizing a quality control test plan" but there are no elements cited dealing with quality control issue. The amended language or new limitation in the claim of "a viewing software for execution by the processor and capable of allowing a user to view and edit the copied test report file and test item file of the quality control test plan" is noted; however, this does not clarify the question above of "how does it aiding the quality control task management". How does one manage quality control task in the past? How does this invention "aiding" or "facilitating or enhancing" the quality control task? From Fig. 1, it appears that the kernel of the invention deals with aiding any kind of testing plan and the specific intended use of the plan is not critical. If that the case, applicant should amend the claim and remove the term "quality control" throughout the body of the claims.

Claim 15 recites the limitation "copies of the selected 2<sup>nd</sup> and 3<sup>rd</sup> levels in the original hierarchy" on line 19 and "the copied test report file and test item files of the quality control test plan" on line 22-23. There are insufficient antecedent basis for this limitation in the claim.

5. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the

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elements. See MPEP § 2172.01. The omitted elements are: conversion system comprising copying system for copying of the selected template item files to create new test item files. This feature is very critical to the claimed invention and must be shown in the independent claim.

### ***Response to Arguments***

6. Applicant's arguments filed 3/11/04 with respect to the 112, 2<sup>nd</sup> rejections of claims 1-3, as shown on page 9, have been fully considered but they are not persuasive. There are no steps or processes cited to aid the task management and/or dealt with quality control issue. Applicant's comment that "this speeds up the entire test plan design time, and helps to ensure that no required test plan design test plan in a new test plan are forgotten or accidentally left out" is noted; however, this is not found persuasive for the following 2 reasons: (1) there is no citation of "new test plan" in the claim, and (2) there is no citation of "required test plan design in a new test plan". These limitations have to be in the claimed for the arguments to be persuasive.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. **Claims 15-20 (apparatus) and 1-3 (method) are rejected under 35 U.S.C. 103(a) as being unpatentable over LE (US Patent 6,353,904) in view of BRITTON (US Patent 6,591,289).**

**As for Independent Apparatus claim 15**, LE fairly discloses a computer system for generating and utilizing a quality control (QC) test plan, the computer system comprising:

(a) display {see Fig. 1 (118)};

(b) processor {see Fig. 1 (104)};

(c ) a memory {see Fig. 1 (106), (108)} comprising :

a template archive with different levels containing files {see Fig. 2, 240, Tables 5, 6},

a conversion system for execution by the processor capable of copying the selected files in the selected levels {see col. 1, lines 45-46, col. 2, lines 15-20}, and

a viewing software for execution by the processor and capable of allowing a user to (1) view and (2) edit the copied test report file and item files {See Figs. 1, 2 and 4, cols. 2, 5, and 10}.

LE fairly teaches the claimed invention except for a graphical browser capable of allowing a user to view and/or select from the display one or more levels of one or more templates in the template archive.

In a similar computer system for generating a electronic document (report or plan), BRITTON discloses a method for accessing formatted file (or report template file)

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or formatted document/plan over a global communication network, Internet or web, so that a client computer can connect to the network to access the template file or on-line ordering, the computer system comprising: (a) display {see Fig. 1, 61, 65}, (b) a processor {see Fig. 1 (40), (60)}; (c) memory {see Fig. 1 (44,46, 42) and the memory comprising: template archive containing hierarchical in structure {see col. 3, 4}, (d) a graphical browser, capable of allowing a user to view and/or select from the display file template in the template file archive {see Fig. 1, 61, 65, Fig. 2, 3, 5 and 6, col. 9, lines 45 to col. 10, line 35}, and (e) viewing software for execution by the processor and capable of allowing a user to view and edit the copied test report file for whatever intended use {see abstract, col. 3, lines 30-35, 40-55, col. 4, lines 5-60}. BRITTON also mentions the scope of the invention to cover various document forms with different pre-selected layout form, i.e. a form of table with header and sub-header, to meet the customer's specific needs. It would have been obvious to modify the computer system of LE by including a graphical browser to allow a user to view and/or select from the display file template in the template file archive over the web or on-line or electronic accessing of formatted document or file or plan as taught by BRITTON above.

**As for dep. claim 16** (part of 15), which deals with the type of hierarchical structure, i.e. tree structure, this is non-essential to the scope of the claimed invention which deals with copying an existing file to create a new file, this is fairly taught in col. 2 of LE which mentions a similar structure comprising file template, test-block template and cell-specific template or Table 6. Alternatively, this is shown in BRITTON in Fig. 2 (45, 45', 45a, 45b), or Fig. 4, 145, col. 8, lines 35-45, col. 9, lines 35-66, col. 10, lines 5-

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30. Moreover, the use of other well known hierarchical template structure parameter, i.e. tree-like structure or fish-like structure, etc., varying with the specific need/plan, and the selection of the structure is considered as optimizing operating conditions or result effective variables/parameters and the optimizing of result effective variables/parameters is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan. In re Aller, 105 USPQ 233.

**As for dep. claims 17-18** (part of 15), which deals with the various copying parameters of the conversion system, these are fairly taught by LE in col. 1, lines 45-46, col. 2, lines 15-20.

**As for dep. claims 19-20** (part of 15), which further includes a link or hyperlink in the test report file, to access a specific item file, this feature is fairly taught by BRITTON on Fig. 2, 65h or col. 8, lines 32-45.

**As for Independent Method claim 1**, which has the same limitation as in claims 15, 17, 18, and 19, it's rejected for the same reasons set forth in the rejection of claims 15, 17-19 above.

**As for dep. claim 2** (part of 1), which has the same limitation as in claim 16 above, it's rejected for the same reason set forth in claim 16 above.

**As for dep. claim 3** (part of 1), which has the same limitation as in claim 18 above, it's rejected for the same reason set forth in claim 18 above.



***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US Patent 6,112,312, discloses a method/apparatus for generating functional tests for a microprocessor having several operating modes and features.

2) US Patent 6,502,102 discloses a method and apparatus for copying old application functional tests into new functional application for quality assurance testing purpose {see Fgs. 2, 36, 27, 40, col. 1, col. 7, col. 59-60. Many features of this patent reads over the claimed invention; however, to avoid duplicate rejections, they are mentioned here for applicant's awareness of potential use in the future for rejection purpose.

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10. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113

Or <http://pair-direct@uspto.gov>

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov) .


Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn

  
**DEAN T. NGUYEN**  
**PRIMARY EXAMINER**